

**ATTACHMENT NO. 3**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

Plaintiff, ) CASE NO.  
v. ) JUDGE BENITA Y. PEARSON  
Defendant. ) DISCOVERY PLAN  
               ) (*See Fed. R. Civ. P. 26(f)*  
               ) and LR 16.3(b)(3))

1. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.3(b)(3), a meeting was held on

\_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ and  
was attended by:

\_\_\_\_ counsel for plaintiff(s) \_\_\_\_\_  
\_\_\_\_ counsel for plaintiff(s) \_\_\_\_\_  
\_\_\_\_ counsel for defendant(s) \_\_\_\_\_  
\_\_\_\_ counsel for defendant(s) \_\_\_\_\_

2. The parties recommend the following track:

Expedited       Standard       Administrative  
 Complex       Mass Tort

3. This case is suitable for one or more of the following Alternative Dispute Resolution (“ADR”) mechanisms:

<input type="checkbox"/> Early Neutral Evaluation	<input type="checkbox"/> Summary Jury Trial
<input type="checkbox"/> Mediation	<input type="checkbox"/> Summary Bench Trial
<input type="checkbox"/> Arbitration	<input type="checkbox"/> Case is not suitable for ADR at this time

**THIS DISCOVERY PLAN MUST BE FILED 5 CALENDAR DAYS BEFORE THE CMC**

**Lead counsel and clients must attend CMC unless explicitly excused. This applies to telephonically held CMC's.**

4. The parties \_\_\_\_ do/\_\_\_\_ do not consent to the jurisdiction of the United States Magistrate Judge pursuant to [28 U.S.C. § 636\(c\)](#).

5. Initial Disclosures: (check one)

\_\_\_\_\_ a) Plaintiff made initial disclosures on \_\_\_\_\_  
and all other parties made initial disclosures on \_\_\_\_\_.

Objections to initial disclosures under [Fed. R. Civ. P. 26\(a\)\(1\)](#) \_\_\_\_ are/\_\_\_\_ are not made. If there are objections, they are specified along with the identity of the objecting party in an appendix to this Discovery Plan. The objecting party requests that the Court rule with respect to these disclosures at the Case Management Conference.

\_\_\_\_\_ b) Initial Discovery Protocols were entered in this case:

- i) The plaintiff's Initial Discovery was provided on \_\_\_\_\_.
- ii) The defendant's Initial Discovery was provided on \_\_\_\_\_.

\_\_\_\_\_ c) This is an ERISA case and does not require initial disclosures. *See ¶ 6 for suggested briefing schedule.*

6. Subsequent proceedings (for ERISA cases):

- a) Defendant shall file the entire administrative record by \_\_\_\_\_.
- b) Plaintiff shall file the opening brief contemplated by [\*Wilkins v. Baptist Healthcare System, Inc., 150 F.3d 609, 619 \(6th Cir. 1998\)\*](#) (Gilman, J., concurring) by \_\_\_\_\_.
- c) Defendant shall respond by \_\_\_\_\_.
- d) Plaintiff shall reply by \_\_\_\_\_.
- e) There shall be no discovery in this case except as set forth in *Wilkins*.

7. Subsequent proceedings (for non-ERISA cases):

a) Recommended Discovery Plan: Describe the subjects on which discovery is to be sought and the nature and extent of discovery, including any limitation on the number of interrogatories, the number and/or length of depositions, and/or the number of requests for admission.

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b) The parties (indicate one):

agree that there will be no discovery of electronically-stored information; or

have agreed to a method for conducting discovery of electronically-stored information; or

have agreed to follow the default standard for discovery of electronically-stored information ([Appendix K to N.D. Ohio Local Rules](#)).

c) The parties  have/ have not reached an agreement regarding the handling of disclosed privileged material. *See Fed. R. Civ. P. 16(b)(3)(B)(iv)*. If the parties have reached an agreement for asserting claims of privilege or of protection as trial-preparation material after information is produced, please provide the agreement, including agreements reached under [Fed. R. Evid. 502](#).

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d) Discovery cut-off date: \_\_\_\_\_.

- e) Recommended dispositive motion date: \_\_\_\_\_.
- f) Recommended cut-off for amending the pleadings and/or adding additional parties: \_\_\_\_\_.
- g) Recommended date for a Status Conference: \_\_\_\_\_.

8. Other matters for the attention of the Court:

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Attorney for Plaintiff(s) \_\_\_\_\_

Attorney for Plaintiff(s) \_\_\_\_\_

Attorney for Defendant(s) \_\_\_\_\_

Attorney for Defendant(s) \_\_\_\_\_

**Objections, if any, to initial disclosures are appended.**